

FORM PTO-1390 (REV 10-2000)		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY'S DOCKET NUMBER
				P/3653-7
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 09/890,487
INTERNATIONAL APPLICATION NO. PCT/AU00/00058	INTERNATIONAL FILING DATE February 2, 2000	PRIORITY DATE CLAIMED February 2, 1999		
TITLE OF INVENTION A Reflux Classifier				
APPLICANT(S) FOR DO/EO/US Kevin Patrick Galvin				
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:				
<ol style="list-style-type: none"> <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. <input type="checkbox"/> This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)). <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (PCT Article 31). <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input type="checkbox"/> have not been made and will not be made. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 				
Items 11 to 16 below concern document(s) or information included:				
<ol style="list-style-type: none"> <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. <input type="checkbox"/> A substitute specification. <input type="checkbox"/> A change of power of attorney and/or address letter. <input type="checkbox"/> Other items or information: 				
EXPRESS MAIL CERTIFICATE				
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addresses (mail label EL855846830US) in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on October 23, 2001.</p> <p>Dorothy Jenkins</p> <p>Name of Person Mailing Correspondence <i>Dorothy Jenkins</i> Signature</p> <p>October 23, 2001</p> <p>Date of Signature</p>				

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01 FC:214

65.00 OP

CALCULATIONS PTO USE ONLY

21. The following fees are submitted:

BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)):

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO \$1040.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO \$890.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$740.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) \$710.00

International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) \$100.00

ENTER APPROPRIATE BASIC FEE AMOUNT =

Surcharge of \$130.00 for furnishing the oath or declaration later than 20 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$

\$65.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	- 20 =		x \$18.00	\$
Independent claims	- 3 =		x \$84.00	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$

TOTAL OF ABOVE CALCULATIONS =

<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.	\$65.00
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SUBTOTAL =

Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).	\$65.00
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TOTAL NATIONAL FEE =

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +	\$ 40.00
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TOTAL FEES ENCLOSED =

	Amount to be refunded:	\$
	charged:	\$

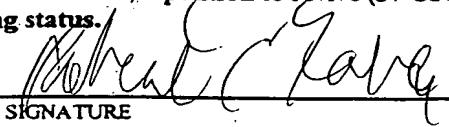
- a. A check in the amount of \$ 105.00 to cover the above fees is enclosed. Check No. 06972
- b. Please charge my Deposit Account No. C-272 in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0700. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, NY 10036-8403

Tel: (212) 382 0700



SIGNATURE
Robert C. Faber
NAME

24,322

REGISTRATION NUMBER

Rec'd PCT/PTO 23 OCT 2001

OFGS File No.: P/3653-7

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Kevin Patrick Galvin

Serial No.: 09/890,487

Filed: February 2, 2000

For: A REFLUX CLASSIFIER

Date: October 23, 2001

Group Art Unit: Not Yet Assigned

Attention: Refund Section Accounting Division Office of Finance
Asst. Commissioner of Patents and Trademarks
Washington, DC 20231

REQUEST FOR REFUND BASED ON
SMALL ENTITY STATUS

Sir:

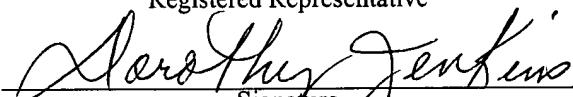
Pursuant to 37 C.F.R. §1.28, it is requested that a refund be granted in the amount of \$500, the amount overpaid on July 31, 2001 for filing the above application.

Small entity status is claimed.

It is requested that the refund be deposited to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EL855846830US) in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on October 23, 2001

Dorothy Jenkins
Name of applicant, assignee or
Registered Representative


Signature
October 23, 2001
Date of Signature

Respectfully submitted,



Robert C. Faber
Registration No.: 24,322
OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Kevin Patrick Galvin

Serial No.: 09/890,487

Filed: February 2, 2000

For: A REFLUX CLASSIFIER

Rec'd PCT/PTO 23 OCT 2001

Date: October 23, 2001

Group Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Asst. Commissioner of Patents and Trademarks

Washington, DC 20231

Attention: Application BranchRESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

Sir:

In response to the Notification of Requirements Under 35 U.S.C. 371, mailed August 30, 2001, submitted herewith is the Inventor(s) Declaration and our Check No. 06972 which includes the amount of \$65.00 for Small Entity in payment of the surcharge. Also enclosed is a corrected Print EFS form amending the inventor's address.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account #15-0700.

If this communication is filed after the time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. §1.136(a), to extend the time for filing a response by the number of months which will avoid abandonment under 37 C.F.R. §1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail Post Office to Addressee (mail label #EL855846830US) in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on October 23, 2001

Dorothy Jenkins
Name of applicant, assignee or
Registered Representative

Dorothy Jenkins
Signature
October 23 2001
Date of Signature

Respectfully submitted,



Robert C. Faber
Registration No.: 24,322
OSTROLENK, FABER, GERB & SOFFEN,
LLP
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Telephone: (212) 382-0700



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

BEST AVAILABLE COPY

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/890487	GALVIN	K P/3653-7
ROBERT C. FABER OSTROLENK FABER GERB & SOEFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 10036 8409		INTERNATIONAL APPLICATION NO. PCT/AU00/00058
OFGS FILE No. P/3653-7 30 OCT. 2001 PCF <i>fly</i>		I.A. FILING DATE PRIORITY DATE 02 FEB 00 02 FEB 99

DATE MAILED: 30 AUG 2001

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee. Indication of Small Entity Status.
 Copy of the international application. Translation of the international application into English.
 Oath or Declaration of inventors(s). Translation of Article 19 amendments into English.
 Copy of Article 19 amendments. Other:
 Priority Document.
 The International Preliminary Examination Report in English and its Annexes, if any.
 Translation of Annexes to the International Preliminary Examination Report into English.

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- U.S. Basic National Fee. Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ _____ as a large entity small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: PCT/DO/EO/917 Notice of Defective Translation
 PTO-875 PCT/DO/EO/920

Barbara A. Campbell